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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TWITTER, INC., a corporation,

Defendant.

**Case No. 3:22-cv-3070**

**JOINT MOTION FOR ENTRY OF  
STIPULATED ORDER FOR CIVIL  
PENALTY, MONETARY JUDGMENT,  
AND INJUNCTIVE RELIEF**

Plaintiff the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“FTC” or “Commission”), filed its Complaint for Civil Penalties, Permanent Injunction, Monetary Relief, and Other Equitable Relief, against Defendant Twitter, Inc. for alleged violations of a 2011 FTC Administrative Order and Section 5 of the FTC Act, 15 U.S.C. § 45. *See* ECF No. 1. The parties have resolved all issues in this matter through the attached proposed Stipulated Order for Civil Penalty, Monetary Judgment, and Injunctive Relief. Under the terms of the Stipulated Order, Twitter agrees to pay \$150 million in civil penalties, reopen the underlying administrative proceedings in FTC Docket No. C-4316 pursuant to Section 3.72(b) of the Commission’s Rules of Practice, 16 C.F.R. § 3.72(b), and modify the Decision and Order in *In re Twitter, Inc.*, C-4316, 151 FTC LEXIS 162 (F.T.C. Mar. 2, 2011) with the Decision and Order set forth in Attachment A to the Stipulated Order, and submit to substantial compliance reporting measures to ensure future compliance with the law.

“Because of the unique aspects of settlements, a district court should enter a proposed consent judgment if the court decides that it is fair, reasonable and equitable and does not violate the law or public policy.” *Sierra Club, Inc. v. Elec. Controls Design, Inc.*, 909 F.2d 1350, 1355 (9th Cir. 1990) (citing *Citizens for a Better Environment v. Gorsuch*, 718 F.2d 1117, 1125–26 (D.C. Cir. 1983)); *see SEC v. Randolph*, 736 F.2d 525, 529 (9th Cir. 1984). In approving a settlement, a court “need not inquire into the precise legal rights of the parties nor reach and resolve the merits of the claims or controversy.” *Gorsuch*, 718 F.2d at 1126 (quoting *Metro. Hous. Dev. Corp. v. Vill. Of Arlington Heights*, 616 F.2d 1006, 1014 (7th Cir. 1980)). Rather, “[a]s long as the consent decree comes within the general scope of the case made by the pleadings, furthers the objectives upon which the law is based, and does not violate the statute upon which the complaint was based, the parties’ agreement may be entered by the court.” *Sierra Club*, 909 F.2d at 1355 (quoting *Loc. No. 93, Int’l Ass’n of Firefighters, AFL-CIO C.L.C. v. City of Cleveland*, 478 U.S. 501, 525–26 (1986) (quoting *Pacific R. Co. v. Ketchum*, 101 U.S. 289, 297 (1880))) (alterations and internal quotation marks omitted).

The Stipulated Order is fair, reasonable, and equitable. It addresses the concerns giving rise to the Complaint by modifying the administrative order to require Twitter to undertake multiple measures

1 that will improve its protection of consumer data. These measures include prohibiting  
2 misrepresentations about the extent to which the company protects the privacy of its users' nonpublic  
3 contact information, including any misrepresentations about its use of such information, and requiring  
4 Twitter to implement a comprehensive privacy and information security program with extensive  
5 procedures to safeguard user information and assess internal and external data privacy risks. To afford  
6 consumers these protections as soon as possible, the parties respectfully jointly request that the Court  
7 promptly effectuate this resolution and enter the proposed Stipulated Order.

Dated: May 25, 2022

Respectfully submitted,

**FOR PLAINTIFF  
THE UNITED STATES OF AMERICA:**

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**FILER ATTESTATION**

I, Zachary L. Cowan, attest under Local Rule 5-1(h)(3) that all other signatories listed and on whose behalf the filing is submitted have concurred in the filing of this document.

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